

REMARKS

Reconsideration of the rejections is requested. Claims 1-36 remain pending and are rejected. No claims have been cancelled. The specification and claims 1, 17, and 29 are presently amended. Applicants submit that all amendments are supported by the application-as-filed and no new matter has been added.

In view of the present amendments, the above-identified patent application is in a condition for allowance. Therefore, Applicants respectfully request entry of the present amendment and consideration of these remarks. To the extent the Examiner has any questions with respect to this application, Applicants respectfully request that the Examiner contact Applicants' undersigned agent.

The 112 Rejections

The Examiner has rejected claims 1-36 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 1, 17 and 29 are each independent claim, with claims 2-16, 18-28, and 30-36 dependent therefrom. Applicants note that the specification and claims have been amended to reflect the claimed *first ethylene/ α -olefin copolymer having a molecular weight distribution M_w/M_n of from 1.9 to 2.7*. The amendments are supported by the application-as-filed, as evidenced, on page 7, lines 20-23 of the present application. Claim 1 has also been amended to correct typographical errors. As such, Applicants respectfully submit that the rejection of claims 1-36 is moot and should be withdrawn.

The 103 Rejections

The Examiner has rejected claims 1-36 under 35 U.S.C. §103(a) as being unpatentable over Ferri *et al.* (U.S. Patent 6,761,965 B2). As indicated by the Examiner on page 3 of the Office Action dated September 9, 2005, Ferri *et al.* disclose an irradiated multilayer film having seal layer made of a blend of a highly branched homogeneous polymer (HBH polymer) and a semicrystalline polymer (Abstract). Examiner has further indicated that Ferri *et al.* fail to disclose claimed gel content and claimed melt index of the semicrystalline polymer etc. and asserts that given the teaching of Ferri *et al.*, a person of ordinary skill in the art at the time of this invention was made [would have found] it obvious to optimize cross-linking and melt index of the given invention. Applicants disagree with Examiner's conclusion. Applicants submit that there is no suggestion or motivation in either Ferri *et al.* or in the knowledge generally available to one of ordinary skill in the art at the time of this invention was made to

modify the reference to arrive at the claimed invention and, as such, a *prima facie* case of obviousness has not been established.

“...[O]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.” *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).
See also MPEP § 2144 - § 2144.09.

Therefore, Applicants respectfully submit that the rejection is improper and should be withdrawn.

With respect to Examiner’s request to point out pertinent reference(s) to the claimed invention in light of the number of references cited, Applicants submit that the following references listed below may be deemed more pertinent to the claimed invention relative to those cited in the Information Disclosure Statement filed February 18, 2005:

U.S. Patent 4,380,567
U.S. Patent 4,429,079
U.S. Patent 4,981,760
U.S. Patent 5,397,613
U.S. Patent 6,306,969 B1

Applicants believe that all of the remaining claims are now in compliance with the Examiner's requirements and in condition for allowance and respectfully requests reexamination and reconsideration of the application and claims.

The Commissioner is hereby authorized to charge payment of any additional fees due under 37 C.F.R. §1.17 or credit any overpayment to Deposit Account No. 502023. A duplicate copy of this document is enclosed.

Respectfully submitted,

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